

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
IN CLERKS OFFICE

2019 OCT -3 PM 2: 37

UNITED STATES OF AMERICA

v.

(1) DANIEL HERNANDEZ IXTA,

Defendant

) Criminal No. 18-CR-10350-LTS
)
) Violation:
)
) Count One: Conspiracy to Distribute and to
) Possess with Intent to Distribute 400 Grams or
) More of Fentanyl and One Kilogram or More of
) Heroin
) (21 U.S.C. § 846)
)
)
) Forfeiture Allegation:
) (21 U.S.C. § 853)
)
)
)
)

SUPERSEDING INFORMATION

COUNT ONE

Conspiracy to Distribute and to Possess with Intent to Distribute
400 Grams or More of Fentanyl and One Kilogram or More of Heroin
(21 U.S.C. § 846)

The United States Attorney charges that:

From on or about August 24, 2018, through August 29, 2018, in North Andover, in the
District of Massachusetts, and elsewhere, the defendant,

(1) DANIEL HERNANDEZ IXTA,

conspired with other persons known and unknown to the United States Attorney, to knowingly and
intentionally distribute and possess with intent to distribute a mixture and substance containing a
detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, also known as

fentanyl, a Schedule II controlled substance, and a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance, in violation of 21 U.S.C. § 841(a)(1).

It is further alleged that the offense charged in Count One involved 400 grams or more of a mixture and substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, also known as fentanyl, a Schedule II controlled substance, and one kilogram or more of a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance. Accordingly, 21 U.S.C. §§ 841(b)(1)(A)(i) and (vi) are applicable to this Count.

It is further alleged that, with respect to Count One, 400 grams or more of a mixture and substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, also known as fentanyl, a Schedule II controlled substance, and one kilogram or more of a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance, were reasonably foreseeable by, and are attributable to, (1) DANIEL HERNANDEZ. Accordingly, 21 U.S.C. §§ 841(b)(1)(A)(i) and (vi) are applicable to defendant (1) DANIEL HERNANDEZ IXTA.

All in violation of Title 21, United States Code, Section 846.

Before the defendant (1) DANIEL HERNANDEZ IXTA, committed the offense charged in this count, the defendant was convicted of violating 21 U.S.C. 841(c)(2) (*see* United States v. Daniel Ixta, United States District Court for the Central District of California, Docket No. 09-00438), a serious drug felony, for which he served more than 12 months of imprisonment and for which he was released from serving any term of imprisonment related to that offense within 15 years of the commencement of the instant offense.

DRUG FORFEITURE ALLEGATION
(21 U.S.C. § 853)

1. Upon conviction of the offense in violation of Title 21, United States Code, Section 841, set forth in Count One of this Superseding Information, the defendant,

(1) DANIEL HERNANDEZ IXTA,

shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, any property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of such offenses, and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offenses.

2. If any of the property described in Paragraph 1, above, as being forfeitable pursuant to Title 21, United States Code, Section 853, as a result of any act or omission of the defendant --

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the property described

in Paragraph 1 above.

All pursuant to Title 21, United States Code, Section 853.



for JARED C. DOLAN
ASSISTANT UNITED STATES ATTORNEY
DISTRICT OF MASSACHUSETTS

District of Massachusetts: October 1, 2019
Returned into the District Court and filed.

Deputy Clerk